

**ENTERED**

March 20, 2018

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

|                            |   |                                |
|----------------------------|---|--------------------------------|
| TEODORO MARTINEZ and HILDA | § |                                |
| MARTINEZ,                  | § |                                |
| Plaintiffs,                | § |                                |
|                            | § |                                |
| v.                         | § | Civil Action No. 1:17-cv-00106 |
|                            | § |                                |
| OCWEN LOAN SERVICING, LLC, | § |                                |
| Defendant.                 | § |                                |

**ORDER ADOPTING MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the "Magistrate Judge's Report and Recommendation" (Docket No. 48) (hereafter "R&R"), in the above-captioned case. The "R&R" (Docket No. 48) recommends that Ocwen Loan Servicing, LLC's (hereafter "Defendant") "Motion to Dismiss Plaintiffs' First Amended Original Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6)" (Docket No. 43) be **GRANTED** and Teodoro Martinez and Hilda Martinez' (collectively, hereafter "Plaintiffs") "Plaintiffs' First Amended Petition" (Docket No. 42) (hereafter "Plaintiffs' Complaint") be dismissed with prejudice for failure to state a claim.

Plaintiffs timely filed their sole "Objection to the Magistrate's Report" (Docket No. 49) February 16, 2018<sup>1</sup>, reasserting their previous argument that "[a] request for a temporary injunction and for a permanent injunction is a cause of action upon which relief may be granted." *See* Docket Nos. 47 at 1, 2; Docket No. 49 at 1. However, the Court agrees with the "R&R" and holds that "injunctive relief without a cause of action supporting entry of a judgment must be dismissed." *Barcenas v. Fed. Home Loan Mortg. Corp.*, No. H-12-2466, 2013 WL 286250, at \*9 (S.D. Tex. Jan. 24, 2013). Thus, Plaintiffs' objection is overruled.


After a *de novo* review of the file, the "Magistrate Judge's Report and Recommendation" (Docket No. 48) is **ADOPTED**. It is therefore **ORDERED** that "Plaintiff's First Amended Complaint"

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<sup>1</sup> On said date, Plaintiffs also filed "Plaintiffs' Motion for Leave to File Their Second Amended Complaint/Petition" (Docket No. 50) and "Plaintiffs' Second Amended Original Petition (Subject to Plaintiff's [sic] Motion for Leave to Amend)" (Docket No. 51) ("Plaintiffs' Second Motion for Leave"). The Court notes that Plaintiffs' were afforded multiple opportunities to cure their pleading defects, but failed to do so. *See* Docket Nos. 21, 34, 37, and 38.

(Docket No. 42) be **DISMISSED** with prejudice and “Plaintiffs’ Motion for Leave to File Their Second Amended Complaint/Petition” (Docket No. 50) is **DENIED** as moot.

Signed on this 20<sup>th</sup> day of March, 2018.

  
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Rolando Olvera  
United States District Judge